

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: BODY FLUID SAMPLER

The specification of which

a. ☒ is attached hereto

b. ☐ was filed on as application serial no. and was amended on (if applicable) (in the case of a PCT-filed application) described and claimed in international no. filed and as amended on (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent of inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

a. ☒ no such applications have been filed.

b. ☐ such applications have been filed as follows:

| FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119 | | | |
|--|--------------------|--------------------------------------|-------------------------------------|
| COUNTRY | APPLICATION NUMBER | DATE OF FILING (day, month, year) | DATE OF ISSUE (day, month, year) |
| | | | |
| | | | |
| ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S) | | | |
| COUNTRY | APPLICATION NUMBER | DATE OF FILING (day, month, year) | DATE OF ISSUE (day, month, year) |
| | | | |
| | | | |

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a), which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

| U.S. APPLICATION NUMBER | DATE OF FILING (day, month, year) | STATUS (patented, pending, abandoned) |
|-------------------------|-----------------------------------|---------------------------------------|
| 08/525,390 | 09/08/95 | Pending |
| 08/525,942 | 09/08/95 | Pending |

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

| | | | |
|------------------------|-----------------|-------------------------|-----------------|
| Adriano, Sarah B. | Reg. No. 34,470 | Kettelberger, Denise | Reg. No. 33,924 |
| Batzli, Brian H. | Reg. No. 32,960 | Kowalchyk, Alan W. | Reg. N . 31,535 |
| Beard, John L. | Reg. No. 27,612 | Kowalchyk, Katherine M. | Reg. No. 36,848 |
| Beck, Robert C. | Reg. No. 28,184 | Krull, Mark A. | Reg. No. 34,205 |
| Bejin, Thomas E. | Reg. No. 37,089 | Lacy, Paul A. | Reg. No. 38,946 |
| Berman, Charles | Reg. No. 29,249 | Lasky, Michael B. | Reg. No. 29,555 |
| Bogucki, Raymond A. | Reg. No. 17,426 | Lynch, David W. | Reg. No. 36,204 |
| Bruess, Steven C. | Reg. No. 34,130 | Mau, Michael L. | Reg. No. 30,087 |
| Byrne, Linda M. | Reg. No. 32,404 | McDaniel, Karen D. | Reg. No. 37,674 |
| Canady, Karen S. | Reg. No. 39,927 | McDonald, Daniel W. | Reg. No. 32,044 |
| Carlson, Alan G. | Reg. No. 25,959 | McDonald, Wendy M. | Reg. No. 32,427 |
| Carter, Charles G. | Reg. No. 35,093 | McIntyre, Iain A. | Reg. No. 40,377 |
| Caspers, Philip P. | Reg. No. 33,227 | Miller, William D. | Reg. No. 37,988 |
| Chiapetta, James R. | Reg. No. 39,634 | Mueller, Douglas P. | Reg. No. 30,300 |
| Clifford, John A. | Reg. No. 30,247 | Nasiedlak, Tyler L. | Reg. No. 40,099 |
| Conrad, Timothy R. | Reg. No. 30,164 | Nelson, Albin J. | Reg. No. 28,650 |
| Cooper, Victor G. | Reg. No. 39,641 | Pauly, Daniel M. | Reg. No. 40,123 |
| Crawford, Robert | Reg. No. 32,122 | Plunkett, Theodore | Reg. No. 37,209 |
| Daignault, Ronald A. | Reg. No. 25,968 | Pollinger, Steven J. | Reg. No. 35,326 |
| Daley, Dennis R. | Reg. No. 34,994 | Reich, John C. | Reg. No. 37,703 |
| Daulton, Julie R. | Reg. No. 36,414 | Reiland, Earl D. | Reg. No. 25,767 |
| Davidson, Ben M. | Reg. No. 38,424 | Schmaltz, David G. | Reg. No. 39,828 |
| Dempster, Shawn B. | Reg. No. 34,321 | Schmidt, Cecil C. | Reg. No. 20,566 |
| DiPietro, Mark J. | Reg. No. 28,707 | Schuman, Mark D. | Reg. No. 31,197 |
| Edell, Robert T. | Reg. No. 20,187 | Schumann, Michael D. | Reg. No. 30,422 |
| Epp Ryan, Sandra | Reg. No. 39,667 | Sebald, Gregory A. | Reg. No. 33,280 |
| Farber, Michael B. | Reg. No. 32,612 | Sharp, Janice A. | Reg. No. 34,051 |
| Fauver, Cole M. | Reg. No. 36,797 | Skoog, Mark T. | Reg. No. 40,178 |
| Funk, Steven R. | Reg. No. 37,830 | Smith, Jerome R. | Reg. No. 35,684 |
| Gabilan, Mary Susan | Reg. No. 38,729 | Sorensen, Andrew D. | Reg. No. 33,606 |
| Gates, George H. | Reg. No. 33,500 | Stinebruner, Scott A. | Reg. No. 38,323 |
| Golla, Charles E. | Reg. No. 26,896 | Strodthoff, Kristine M. | Reg. No. 34,259 |
| Gorman, Alan G. | Reg. No. 38,472 | Sumner, John P. | Reg. No. 29,114 |
| Gould, John D. | Reg. No. 18,223 | Sumners, John S. | Reg. No. 24,216 |
| Gresens, John J. | Reg. No. 33,112 | Tellekson, David K. | Reg. No. 32,314 |
| Hamre, Curtis B. | Reg. No. 29,165 | Underhill, Albert L. | Reg. No. 27,403 |
| Hassing, Thomas A. | Reg. No. 36,159 | Vandenburgh, J. Derek | Reg. No. 32,179 |
| Hillson, Randall A. | Reg. No. 31,838 | Welter, Paul A. | Reg. No. 20,890 |
| Hollingsworth, Mark A. | Reg. No. 38,491 | Williams, Douglas J. | Reg. No. 27,054 |
| Johnston, Scott W. | Reg. No. 39,721 | Wood, Gregory B. | Reg. No. 28,133 |
| Kastelic, Joseph M. | Reg. No. 37,160 | Xu, Min S. | Reg. No. 39,536 |

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant, Gould, Smith, Edell, Welter & Schmidt to the contrary.

Please direct all correspondence in this case to Merchant, Gould, Smith, Edell, Welter & Schmidt at the address indicated below:

Merchant, Gould, Smith, Edell,
Welter & Schmidt
3100 Norwest Center
90 South Seventh Street
Minneapolis, MN 55402-4131

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| | | | | |
|--|----------------------------|---|---------------------------------------|--|
| 2 | Full Name Of Inventor | Family Name Sopp | First Given Name John | Second Given Name P. |
| 0 | Residence & Citizenship | City White Bear Lake | State or Foreign Country Minnesota | Country of Citizenship U.S.A. |
| 1 | Post Office Address | Post Office Address 3795 Keri Ann Lane | City White Bear Lake | State & Zip Code/Country Minnesota 55110 U.S.A. |
| Signature of Inventor 201: <i>John P. Sopp</i> | | | Date: <i>9/6/96</i> | |
| 2 | Full Name Of Inventor | Family Name Latterell | First Given Name Scott | Second Given Name T. |
| 0 | Residence & Citizenship | City Minneapolis | State or Foreign Country Minnesota | Country of Citizenship U.S.A. |
| 2 | Post Office Address | Post Office Address 2128 Penn Avenue South | City Minneapolis | State & Zip Code/Country Minnesota 55405 U.S.A. |
| Signature of Inventor 202: <i>Scott T. Latterell</i> | | | Date: <i>9-6-96</i> | |
| 2 | Full Name Of Inventor | Family Name Brinda | First Given Name Paul | Second Given Name D. |
| 0 | Residence & Citizenship | City Robbinsdale | State or Foreign Country Minnesota | Country of Citizenship U.S.A. |
| 3 | Post Office Address | Post Office Address 4108 Lake Drive | City Robbinsdale | State & Zip Code/Country Minnesota 55422 U.S.A. |
| Signature of Inventor 203: <i>Paul D. Brinda</i> | | | Date: <i>9/6/96</i> | |
| 2 | Full Name Of Inventor | Family Name Erskine | First Given Name Timothy | Second Given Name J. |
| 0 | Residence & Citizenship | City Sandy | State or Foreign Country Utah | Country of Citizenship U.S.A. |
| 4 | Post Office Address | Post Office Address 1160 East Stone Valley Way | City Sandy | State & Zip Code/Country Utah 84094 U.S.A. |
| Signature of Inventor 204: <i>Timothy J. Erskine</i> | | | Date: <i>9-3-96</i> | |

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;

or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application:

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.

Typed or Printed Name Donna Macedo

Signature

Donna Macedo

Date

4/26/02

**REVOCATION OF POWER OF
ATTORNEY/POWER OF
ATTORNEY OR
AUTHORIZATION OF AGENT**

Commissioner for Patents
Washington, D.C. 20231

Attorney Docket

LIFE-090CON2

First Named Inventor

SOPP et al.

Application Number

09/723,399

Filing Date

November 27, 2000

Art Unit

2877

Examiner

M. Stafira

Title: BODY FLUID SAMPLER

I hereby revoke all previous powers of attorney or authorizations of agent given in the above-identified application and hereby appoint Practitioners at:

☒

24353



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PATENT & TRADEMARK OFFICE

whose address is: Bozicevic, Field & Francis LLP, 200 Middlefield Road, Suite 200, Menlo Park, CA 94025; Mark Warfield, Reg. No. 33,463, Bernard E. Shay, Reg. No. 32,061, Mayumi Maeda, Reg. No. 40,075 and all Johnson & Johnson attorneys associated with Customer No. 27777 as its attorney(s) or agent(s) to prosecute the application identified above, to prepare and file amendments, to inspect and make copies thereof and of any papers in any appellate or *inter partes* proceedings in which the Application may be or become involved, and generally to conduct all business in the United States Patent and Trademark Office relating to the prosecution of the application or any application that claims priority from this application.

☒

Please change the correspondence address for the above-identified application to the above-mentioned customer number (24353).

STATEMENT UNDER 37 CFR § 3.73(b)

In accordance with 37 CFR § 3.73(b) I hereby certify that I am empowered to act on behalf of the Assignee of the above-identified patent application. A copy of the Assignment is attached.

I declare that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code § 1001 and that such willful false statements may jeopardize the validity of the above referenced application or any patent resulting from that application.

I am the:

☐

Applicant; or

☒

Assignee of record of the entire interest

☐

Attorney of record

SIGNATURE of Applicant, Assignee or Attorney of Record

Name

Joel Racchini, General Manager and Director for Integ, Inc.

Signature

Joel Racchini

Date

4/23/02